

(b) in the long line, after clauses (a) and (b), for the words "seventy years", the words "eighty years in respect of clause (a) and seventy years in respect of clause (b)" shall be substituted.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 29th November, 2019

Act No. 38 of 2019.]

THE NATIONAL INSTITUTE OF DESIGN (AMENDMENT)
ACT, 2019

AN

ACT

to amend the National Institute of Design Act, 2014.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institute of Design (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

18 of 2014.

2. In the National Institute of Design Act, 2014 (hereinafter referred to as the principal Act), in the long title, for the words “the institution known as the National Institute of Design, Ahmedabad, to be an institution of national importance”, the words “certain institutions of design to be institutions of national importance” shall be substituted.

Amendment
of long title.

Amendment
of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the word "Institute", the word "Institutes" shall be substituted.

Substitution of
section 2.

4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of
certain
institutions as
institutions of
national
importance.

"2. Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance."

Amendment
of section 3.

5. In section 3 of the principal Act,—

(i) for clause (d), the following clause shall be substituted, namely:—

'(d) "Director", in relation to any Institute, means the Director of such Institute as appointed under section 18;';

(ii) for clause (e), the following clause shall be substituted, namely:—

'(e) "Fund", in relation to any Institute, means the Fund of such Institute as maintained under section 23;';

(iii) for clause (f), the following clause shall be substituted, namely:—

'(f) "Governing Council", in relation to any Institute, means the Governing Council of such Institute as constituted under section 11;';

(iv) for clause (g), the following clause shall be substituted, namely:—

'(g) "Institute" means any of the institutions mentioned in column (4) of the Schedule;';

(v) for clause (h), the following clause shall be substituted, namely:—

'(h) "Institute campus" means the campus of an Institute as may be established by such Institute at any place within India or outside India;';

(vi) for clause (k), the following clause shall be substituted, namely:—

'(k) "Registrar", in relation to any Institute, means the Registrar of such Institute as appointed under section 20;';

(vii) after clause (k), the following clause shall be inserted, namely:—

'(ka) "Schedule" means the Schedule annexed to this Act;';

(viii) for clause (l), the following clause shall be substituted, namely:—

'(l) "Senate", in relation to any Institute, means the Senate of such Institute;';

(ix) for clause (m), the following clause shall be substituted, namely:—

'(m) "Society" means any of the societies registered under the Societies Registration Act, 1860, and mentioned in column (3) of the Schedule;';

21 of 1860.

(x) for clause (n), the following clause shall be substituted, namely:—

'(n) "Statutes" and "Ordinances", in relation to any Institute, mean the Statutes and the Ordinances of such Institute made under this Act.'

Substitution of
section 4.

6. For section 4 of the principal Act, the following section shall be substituted, namely:—

Incorporation
of Institute.

"4. (1) Each Institute shall be a body corporate by the same name as mentioned in column (4) of the Schedule.

(2) Each Institute shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The body corporate constituting each Institute shall consist of a Chairperson, Director and other members of the Governing Council for the time being, of the Institute.

(4) Any Institute may establish an Institute campus at such place within India or outside India, as it may deem fit:

Provided that each campus of the National Institute of Design, Ahmedabad, established before the commencement of this Act, at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat, shall be deemed to be the Institute campus thereof.

Explanation.—The reference in this sub-section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.”

7. In section 5 of the principal Act,—

Amendment
of section 5.

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) any reference to the Society mentioned in column (3) of the Schedule in any law or in any contract or other instrument shall be deemed as a reference to the corresponding Institute mentioned in column (4) thereof;”;

(ii) in clause (e), the words “located at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat,” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

“*Explanation II.*—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

8. In section 6 of the principal Act, in sub-section (1), for the words “the Institute shall”, the words “each Institute shall” shall be substituted.

Amendment
of section 6.

9. In section 7 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment
of section 7.

10. In section 8 of the principal Act, for the words “teaching at the Institute”, the words “teaching at each of the Institutes” shall be substituted.

Amendment
of section 8.

11. In section 9 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted.

Amendment
of section 9.

12. In section 10 of the principal Act, for the words “The following shall be the authorities of the Institute”, the words “Each Institute shall have the following authorities” shall be substituted.

Amendment
of section 10.

13. In section 11 of the principal Act, for the words “The Governing Council shall consist of”, the words “The Governing Council of every Institute shall consist of” shall be substituted.

Amendment
of section 11.

- Amendment of section 15. **14.** In section 15 of the principal Act, for the words “The Senate of the Institute”, the words “The Senate of each Institute” shall be substituted.
- Amendment of section 16. **15.** In section 16 of the principal Act, for the words “the Senate of the Institute”, the words “the Senate of an Institute” shall be substituted.
- Amendment of section 18. **16.** In section 18 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted.
- Amendment of section 20. **17.** In section 20 of the principal Act, in sub-section (1), for the words “Registrar of the Institute”, the words “Registrar of each Institute” shall be substituted.
- Amendment of section 22. **18.** In section 22 of the principal Act, for the words “enabling the Institute”, the words “enabling an Institute” shall be substituted.
- Amendment of section 23. **19.** In section 23 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 24. **20.** In section 24 of the principal Act, for the words “the Institute”, the words “any Institute” shall be substituted.
- Amendment of section 25. **21.** In section 25 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 26. **22.** In section 26 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 27. **23.** In section 27 of the principal Act,—
 (i) in the opening portion, for the words “the Institute”, the words “an Institute” shall be substituted;
 (ii) in clause (a), for the words “Senior Designer”, at both the places where they occur, the words “Principal Designer” shall be substituted.
- Amendment of section 29. **24.** In section 29 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each Institute” shall be substituted.
- Amendment of section 30. **25.** In section 30 of the principal Act, for the words “Ordinances of the Institute”, the words “Ordinances of each Institute” shall be substituted.
- Amendment of section 32. **26.** In section 32 of the principal Act, in sub-section (1), for the words “between the Institute”, the words “between an Institute” shall be substituted.
- Amendment of section 33. **27.** In section 33 of the principal Act, for the words “the Institute”, the words “any Institute” shall be substituted.
- Amendment of section 34. **28.** In section 34 of the principal Act, for the words “the Institute receives”, the words “an Institute receives” shall be substituted.
- Amendment of section 35. **29.** In section 35 of the principal Act, for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 36. **30.** In section 36 of the principal Act, for the words “to the Institute”, the words “to any Institute” shall be substituted.
- Amendment of section 37. **31.** In section 37 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.
- Amendment of section 39. **32.** In section 39 of the principal Act,—
 (i) in clause (a), for the words “Governing Council of the Institute”, the words “Governing Council of an Institute” shall be substituted;

(ii) in clause (c), the words “located at Bengaluru or Gandhinagar, as the case may be” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“Explanation I.—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”

33. In section 40 of the principal Act, after sub-section (3), the following *Explanations* shall be inserted, namely:— Amendment of section 40.

“Explanation I.—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”

34. After section 41 of the principal Act, the following Schedule shall be inserted, Insertion of a new Schedule.
namely:—

“THE SCHEDULE

[See sections 2, 3(g), (ka), (m), 4 (l) and 5 (a)]

Sl. No.	Name of the State	Name of the Society	Name of the institutions incorporated under this Act
(1)	(2)	(3)	(4)
1.	Gujarat	The National Institute of Design, Ahmedabad, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Ahmedabad
2.	Madhya Pradesh	The National Institute of Design, Bhopal, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Madhya Pradesh
3.	Assam	The National Institute of Design, Jorhat, Assam, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Assam
4.	Haryana	The National Institute of Design, Kurukshetra, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Haryana

(1)	(2)	(3)	(4)
5.	Andhra Pradesh	The National Institute of Design, Andhra Pradesh, a Society registered under the Societies Registration Act, 1860.	National Institute of Design. Andhra Pradesh.”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 5th November, 2019

Act No. 39 of 2019]

THE JALLIANWALA BAGH NATIONAL MEMORIAL (AMENDMENT)

ACT, 2019

AN

ACT

further to amend the Jallianwala Bagh National Memorial Act, 1951.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the Jallianwala Bagh National Memorial (Amendment) Act, 2019.

Short title and
commencement.

25 of 1951.

2. In the Jallianwala Bagh National Memorial Act, 1951 (hereinafter referred to as the principal Act), in section 4, in sub-section (1),—

Amendment
of section 4.

(i) clause (b) shall be omitted;

(ii) for clause (d), the following clause shall be substituted, namely:—

"(d) the Leader of Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House;"

Amendment
of section 5.

3. In section 5 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that the term of office of a Trustee nominated under clause (g) of sub-section (1) of section 4 may be terminated before the expiry of the period of five years by the Central Government."

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 5th December, 2019]

Act No. 40 of 2019]

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS)
ACT, 2019

AN
ACT

*to provide for protection of rights of transgender persons and their welfare
and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

(h) "notification" means a notification published in the Official Gazette;

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in
gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of
appropriate
Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-
discrimination
in
employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of
establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance
redressal
mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of
residence.

12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions to provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of
Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and
penalties.

18. Whoever,—

(a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;

(c) forces or causes a transgender person to leave household, village or other place of residence; and

(d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by
Central
Government.

20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of
action taken
in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application shall be made under section 5;

(b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;

(c) the form and manner in which an application shall be made under sub-section (1) of section 7;

(d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;

(e) welfare measures to be provided under sub-section (2) of section 8;

(f) facilities to be provided under section 10;

(g) other functions of the National Council under clause (e) of section 17; and

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 5th December, 2019

Act No. 41 of 2019]

THE CHIT FUNDS (AMENDMENT) ACT, 2019

AN

ACT

further to amend the Chit Funds Act, 1982

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Chit Funds (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

40 of 1982.

2. In the Chit Funds Act, 1982 (hereinafter referred to as the principal Act), in section 2,—

Amendment
of section 2.

(i) in clause (b), after the word “*kuri*”, the words, “, fraternity fund, Rotating Savings and Credit Institution” shall be inserted;

(ii) clause (d) shall be omitted;

(iii) clause (h) shall be omitted;

(iv) after clause (j), the following clauses shall be inserted, namely:—

‘(ja) “gross chit amount” means the sum-total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction of discount or otherwise;

(jb) “net chit amount” means the difference between the gross chit amount and the discount, and in the case of a fraction of a ticket means the difference between the gross chit amount and the discount proportionate to the fraction of the ticket, and when the net chit amount is payable otherwise than in cash, the value of the net chit amount shall be the value at the time when it becomes payable;’;

(v) clause (m) shall be omitted;

(vi) after clause (p), the following clause shall be inserted, namely:—

‘(pa) “share of discount” means the share of the subscriber in the amount of discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit;’.

Substitution of words to certain expressions by certain other expressions.

3. Throughout the principal Act,—

(i) for the words “chit amount”, the words “gross chit amount” shall be substituted;

(ii) for the word “dividend”, the words “share of discount” shall be substituted; and

(iii) for the words “prize amount”, the words “net chit amount” shall be substituted.

Substitution of new section for section 11.

4. For section 11 of the principal Act, the following section shall be substituted, namely:—

Use of words “chit”, “chit fund”, “chitty”, “kuri”, “fraternity fund” or “Rotating Savings and Credit Institution”.

“11. (1) No person shall carry on chit business unless he uses as part of his name any of the words “chit”, “chit fund”, “chitty”, “kuri”, “fraternity fund” or “Rotating Savings and Credit Institution” and no person other than a person carrying on chit business shall use as part of his name any such word.

(2) Where at the commencement of this Act,—

(a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or

(b) any person not carrying on chit business is using any such word as part of his name,

he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name:

Provided that the State Government may, if it considers necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate.”.

Amendment of section 13.

5. In section 13 of the principal Act,—

(i) in sub-section (1), for the words “rupees one lakh”, the words “rupees three lakhs” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (a), for the words “rupees six lakhs”, the words “rupees eighteen lakhs” shall be substituted;

(b) in clause (b), for the words “rupees one lakh”, the words “rupees three lakhs” shall be substituted.

6. In section 16 of the principal Act, in sub-section (2), after the words "two subscribers", the words "present in person or through video conferencing duly recorded by the foreman" shall be inserted. Amendment of section 16.

7. In section 17 of the principal Act, in sub-section (1),—

Amendment of section 17.

(a) after the words "at least two other subscribers who are present", the words "in person or through video conferencing" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that where two subscribers required to be present under sub-section (2) of section 16 are present through video conferencing, the foreman shall have the minutes of the proceedings signed by such subscribers within a period of two days of the date of the draw."

8. In section 21 of the principal Act, in sub-section (1),—

Amendment of section 21.

(i) in clause (b), for the words "five per cent.", the words "seven per cent." shall be substituted;

(ii) in clause (f), the word "and" shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

"(fa) to exercise his right to lien against the credit balance in other non-prized chits; and".

9. In section 85 of the principal Act, in clause (b), for the words "one hundred rupees", the words "such amount as may be specified, by notification in the Official Gazette, by the State Government" shall be substituted. Amendment of section 85.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 5th December, 2019

Act No. 42 of 2019]

THE PROHIBITION OF ELECTRONIC CIGARETTES (PRODUCTION,
MANUFACTURE, IMPORT, EXPORT, TRANSPORT, SALE,
DISTRIBUTION, STORAGE AND ADVERTISEMENT)
ACT, 2019

AN
ACT

*to prohibit the production, manufacture, import, export, transport, sale,
distribution, storage and advertisement of electronic cigarettes in the interest
of public health to protect the people from harm and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 18th day of September, 2019.

Declaration as to expediency of control by Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) "authorised officer" means—

(i) any police officer not below the rank of sub-inspector; or

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) "distribution" includes distribution by way of samples, whether free or otherwise and the expression "distribute" shall be construed accordingly;

(d) "electronic cigarette" means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.

23 of 1940.

Explanation.—For the purposes of this clause, the expression "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) "manufacture" means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

(h) "notification" means a notification published in the Official Gazette;

(i) "person" includes—

(i) any individual or group of individuals;

(ii) a firm (whether registered or not);

(iii) a Hindu Undivided Family;

(iv) a trust;

(v) a limited liability partnership;

(vi) a co-operative society;

(vii) any corporation or company or body of individuals; and

(viii) every artificial juridical person not falling within any of the preceding sub-clauses;

(j) "place" includes any house, room, enclosure, space, conveyance or the area in like nature;

(k) "production" with its grammatical variations and cognate expressions, includes the making or assembling of electronic cigarettes and any part thereof;

(l) "sale" with its grammatical variations and cognate expressions, means any transfer of property in goods (including online transfer) by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale.

4. On and from the date of commencement of this Act, no person shall, directly or indirectly,—

(i) produce or manufacture or import or export or transport or sell or distribute electronic cigarettes, whether as a complete product or any part thereof; and

(ii) advertise electronic cigarettes or take part in any advertisement that directly or indirectly promotes the use of electronic cigarettes.

Prohibition on production, manufacturing, import, export, transport, sale, distribution, advertisement of electronic cigarettes.

5. On and from the date of commencement of this Act, no person, being the owner or occupier or having the control or use of any place shall, knowingly permit it to be used for storage of any stock of electronic cigarettes:

Prohibition on storage of electronic cigarettes.

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Act kept for sale, distribution, transport, export or advertisement shall be disposed of in the manner hereinafter specified—

(a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, *suo motu*, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and

(b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

6. (1) An authorised officer, if he has reason to believe that any provision of this Act has been, or is being contravened, may enter and search any place where—

Power to enter, search and seize without warrant.

(a) any trade or commerce in electronic cigarettes is carried on or electronic cigarettes are produced, supplied, distributed, stored or transported; or

(b) any advertisement of the electronic cigarettes has been or is being made.

(2) After completion of the search referred to in sub-section (1), the authorised officer shall seize any record or property found as a result of the search in the said place, which are intended to be used, or reasonably suspected to have been used, in connection with any matter referred to in sub-section (1) and if he thinks proper, take into custody and produce, along with the record or property so seized, before the Court of Judicial Magistrate of the first class, any such person whom he has reason to believe to have committed any offence punishable under this Act.

(3) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to attach such property, stocks or records maintained by the producer, manufacturer, importer, exporter, transporter, seller, distributor, advertiser or stockist about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with any offence in contravention of the provisions of this Act and such order shall be binding on the person connected with the said offence.

	(4) All searches, seizures and attachment under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.	2 of 1974.
Punishment for contravention of section 4.	7. Whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.	
Punishment for contravention of section 5.	8. Whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.	
Jurisdiction and trial of offences.	9. (1) Any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force. (2) All offences under this Act shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of Criminal Procedure, 1973.	2 of 1974.
Power to dispose of stock seized.	10. After completion of the proceedings before the Court and if it is proved that the stock seized by the authorised officer under the provisions of this Act are stocks of electronic cigarettes, such stocks shall be disposed of in accordance with the provisions contained in Chapter XXXIV of the Code of Criminal Procedure, 1973.	2 of 1974.
Offences by companies.	11. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. <i>Explanation.</i> —For the purpose of this section— (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director" means a whole-time director in the company and in relation to a firm, means a partner in the firm.	
Cognizance of offences.	12. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by an authorised officer under this Act.	
Offences to be cognizable.	13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under section 4 shall be cognizable.	2 of 1974.
Act to have overriding effect.	14. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	

15. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes.

Application of other laws not barred.

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Ord. 14 of 2019.

18. (1) The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 9th December, 2019]

Act No. 43 of 2019]

THE SPECIAL PROTECTION GROUP (AMENDMENT) ACT, 2019

AN
ACT

further to amend the special Protection Group Act, 1988.

An Act further to amend the Special Protection Group Act, 1988.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Protection Group (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 4.

2. In section 4 of the Special Protection Group Act, 1988,—

34 of 1988.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to,—

(a) the Prime Minister and members of his immediate family residing with him at his official residence; and

(b) any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister.";

(ii) in sub-section (1A), for clause (b), the following clause shall be substituted, namely:—

"(b) where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister.".

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 9th December, 2019]

Act No. 44 of 2019]

THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU
(MEMBER OF UNION TERRITORIES) ACT, 2019

AN
ACT

*to provide for merger of Union territories of dadra and nagar
Haveli and Daman and Diu and for matters connected therewith.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as
follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Dadra and Nagar Haveli and Daman and Diu (Merger of Union territories) Act, 2019. Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointed day” means the day on which the Central Government may, by notification in the Official Gazette, appoint;

(b) “existing Union territories” means the Union territories of Dadra and Nagar Haveli and Daman and Diu as existing immediately before the appointed day;

(c) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having a force of law in the whole or in any part of the existing Union territories immediately before the appointed day.

PART II

MERGER OF UNION TERRITORIES

Formation of Union territory of Dadra and Nagar Haveli and Daman and Diu.

3. On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Dadra and Nagar Haveli and Daman and Diu comprising the territory of the existing Union territories, namely:—

Dadra and Nagar Haveli and Daman and Diu,

and thereupon the said territories shall have ceased to form part of the existing Union territories.

Amendment of article 240 of Constitution.

4. In article 240 of the Constitution, in clause (1),—

(i) for entry (c), the following entry shall be substituted, namely:—

“(c) Dadra and Nagar Haveli and Daman and Diu;”;

(ii) entry (d) shall be omitted.

Amendment of First Schedule to Constitution.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading “II. THE UNION TERRITORIES”, for entries 4 and 5 and the corresponding entries relating thereto, the following shall be substituted, namely:—

Name	Extent
“4. Dadra and Nagar Haveli and Daman and Diu	The territory which immediately before the eleventh day of August, 1961 was comprised in Free Dadra and Nagar Haveli and the territories specified in section 4 of the Goa, Daman and Diu Reorganisation Act, 1987.”.

18 of 1987.

PART III

REPRESENTATION IN THE HOUSE OF THE PEOPLE

Allocation of seats in House of People.

6. On and from the appointed day, there shall be allocated two seats to the Union territory of Dadra and Nagar Haveli and Daman and Diu in the House of the People and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

43 of 1950.

Provisions as to sitting members.

7. (1) Every sitting members of the House of the People representing any Parliamentary constituency, which, on the appointed day, by virtue of the provisions of section 5, stands allotted, with or without alteration of boundaries, be deemed to have been elected to that House by that constituency.

43 of 1950. *Explanation.*—For the purposes of this sub-section “parliamentary constituency” shall have the same meaning as assigned to it in the Representation of the People Act, 1950.

(2) The term of office of such members shall remain unaltered.

PART IV

HIGH COURT

8. On and from the appointed day, the jurisdiction of the High Court of Bombay shall continue to extend to the Union territory of Dadra and Nagar Haveli and Daman and Diu. Extension of jurisdiction of High Court of Bombay.

PART V

ASSETS AND LIABILITIES

9. Subject to the other provisions of this Part, all land and all stores, articles and other goods held immediately before the appointed day, by the existing Union territories, shall, on and from that day, vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu. Land and goods.

Explanation.—For the purposes of this section, the expression “land” includes immovable property of every kind and any rights in or over such property, and the expression “goods” does not include coins, bank notes and currency notes.

10. The total of the cash balances in all treasuries, the Reserve Bank of India, the State Bank of India and any nationalised bank, of the existing Union territories immediately before the appointed day shall be merged in the Union territory of Dadra and Nagar Haveli and Daman and Diu. Cash balances.

11. (1) The right to recover arrears of any tax or duty (including arrears of land revenue) on any property situated in the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu. Arrears of tax.

(2) The right to recover arrears of any tax or duty, other than a tax or duty specified in sub-section (1), shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

12. The right to recover any loans or advances made by the existing Union territories before the appointed day to any local body, society, agriculturist or other person shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu. Right to recover loans and advances.

13. The assets and liabilities relating to any commercial undertaking of the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu. Assets and liabilities of Union territory undertakings.

14. The liability of the Union to refund—

(a) any tax or duty on property, including land revenue collected in excess shall go to the Union territory of Dadra and Nagar Haveli and Daman and Diu; Refund of taxes collected in excess.

(b) any other tax or duty collected in excess shall go to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

PART VI

PROVISIONS AS TO SERVICES

15. The members of each of the All India Services borne on the existing Union territories cadre immediately before the appointed day shall continue to be in the cadre of the same service of the existing Union territory in which they stand allocated before the appointed day. Provisions relating to All India Services.

Provisions relating to other services.

16. (1) Every person employed in connection with the affairs of the existing Union territories and serving immediately before the appointed day in the existing Union territories shall, on and from that day,—

(a) continue to serve in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu; and

(b) be deemed to be provisionally allotted to serve in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu:

Provided that nothing in clause (b) shall apply to a person to whom the provisions of section 15 apply or to a person on deputation from any State.

(2) As soon as may be, after the appointed day, the Central Government shall by general or special order, determine whether every person referred to in clause (b) of sub-section (1) shall be finally allotted for service in the Union territory of Dadra and Nagar Haveli and Daman and Diu and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) As soon as may be after the Central Government passes orders finally allotting an employee in terms of sub-section (2), the Union territory of Dadra and Nagar Haveli and Daman and Diu shall take steps to integrate the employee into the services under its control in accordance with such special or general orders or instructions as may be issued by the Central Government from time to time in this behalf.

(4) The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to ensuring of fair and equitable treatment to all persons affected by the provisions of this section and proper consideration of any representations made by such persons:

Provided that notwithstanding anything to the contrary contained in any law for the time being in force, no representation shall be against any order passed by the competent authority on matters arising out of the division and integration of services under this Act, on the expiry of three months from the date of publication or service of such order, whichever is earlier:

Provided further that, notwithstanding anything contained in the preceding proviso, the Central Government may *suo motu* or otherwise and for reasons to be recorded, reopen any matter and pass such order thereon, as may appear to it to be appropriate if it is satisfied that it is necessary so to do, in order to prevent any miscarriage of justice to any affected employee.

(5) Nothing in this section shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

(6) All services prior to the appointed day rendered by a person allotted under sub-section (2) in connection with the affairs of the existing Union territories shall, for the purposes of the rules regarding his conditions of service, be deemed to have been rendered in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu.

(7) The provisions of this section other than clause (a) of sub-section (1) shall not apply in relation to any person to whom the provisions of section 16 apply.

PART VII

LEGAL AND MISCELLANEOUS PROVISIONS

17. All laws which immediately before the appointed day extend to, or are in force in, existing Union territories shall, on and from the appointed day, continue to be in force in those areas in respect of which they were in force immediately before that day.

Extension of laws.

18. Any court, tribunal or authority required or empowered to enforce any law extended to the Union territory of Dadra and Nagar Haveli and Daman and Diu by section 17 may, for the purpose of facilitating its application in relation to the Union territory of Dadra and Nagar Haveli and Daman and Diu, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to construe laws.

19. For the purpose of facilitating the application of any law in relation to the Union territory of Dadra and Nagar Haveli and Daman and Diu, the Central Government may, before the expiration of two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Power to adapt laws.

20. Where, immediately before the appointed day, the existing Union territories is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the Union territory of Dadra and Nagar Haveli and Daman and Diu under this Act, the Union territory of Dadra and Nagar Haveli and Daman and Diu shall be deemed to be substituted for the existing Union territories as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Legal proceedings.

21. (1) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the existing Union territories shall, stand transferred to the corresponding court, tribunal, authority or officer in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Transfer of pending proceeding.

(2) In this section,—

(a) “proceeding” includes any suit, case or appeal; and

(b) “corresponding court, tribunal, authority or officer”, in the Union territory of Dadra and Nagar Haveli and Daman and Diu, means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that Union territory as may be determined after the appointed day by the Administrator of the Union territory of Dadra and Nagar Haveli and Daman and Diu, or before the appointed day by the existing Union territories, to be the corresponding court, tribunal, authority or officer.

Explanation.—For the purposes of this sub-section, “Administrator” means the administrator appointed by the President under article 239 of the Constitution.

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Effect of provisions inconsistent with other laws.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

[Assented to on 11th December, 2019]

Act No. 45 of 2019]

THE NATIONAL CAPITAL TERRITORY OF DELHI (RECOGNITION
OF PROPERTY RIGHTS OF RESIDENTS IN UNAUTHORISED
COLONIES) ACT, 2019

AN
ACT

to provide special provisions for the National Capital Territory of Delhi for recognising the property rights of resident in unauthorised colonies by securing the rights of ownership or transfer or mortgage in favour of the residents of such colonies who are possessing properties on the basis of Power of Attorney, Agreement to Sale, Will, possession letter or any other documents including documents evidencing payment of consideration and for the matters connected therewith or incidental thereto.

WHEREAS there has been phenomenal increase in the population of the National Capital Territory of Delhi in the last few decades owing to migration and other factors but development of planned housing colonies have not kept pace with the requirements of a burgeoning population resulting in the increase of unauthorised colonies;

AND WHEREAS number of unauthorised colonies have been identified in the National Capital Territory of Delhi on the basis of applications made by the Residents Welfare Associations for regularisation in pursuance to notification number S.O. 683(E), dated the 24th March, 2008 of the Delhi Development Authority, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 24th March, 2008;

AND WHEREAS the properties in these colonies are not being registered by registering authority and thereby the residents do not have any title documents in respect of such properties and the Banks and financial institutions do not extend any credit facilities in respect of said properties;

AND WHEREAS the ownership of the properties in unauthorised colonies have been transferred several times through registered or un-registered or notarised Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration and stamp duty on these multiple transactions have neither assessed nor been paid;

AND WHEREAS the stamp duty on the conveyance deed or authorisation slip, as the case may be, is leviable as per minimum rates (circle rates) specified in the notification of the Government of the National Capital Territory of Delhi published *vide* number F.1(953) Regn.Br./Div.Com/HQ/2014, dated the 22nd September, 2014 or the sale consideration mentioned in the conveyance deed or authorisation slip, as the case may be, whichever is higher;

AND WHEREAS the Supreme Court in the case of Suraj Lamp & Industries (P) Ltd. Vs. State of Haryana & others *vide* its judgment dated the 11th October, 2011 had held that sale agreement/general Power of Attorney or Will transactions are not "transfers" or "sales" and that such transactions cannot be treated as completed transfers or conveyances and they can continue to be treated as existing agreement of sale;

AND WHEREAS keeping in view the socio-economic conditions of the residents of these unauthorised colonies and ground realities, it is desirable to recognise and confer rights of ownership or transfer or mortgage to the residents of such colonies on the basis of Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration and to facilitate development or re-development that may improve existing infrastructure, civic and social amenities which may lead to better quality of life;

AND WHEREAS it is expedient to have a law to recognise and confer rights of ownership or transfer or mortgage to the residents of unauthorised colonies as one time special measure.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019.

(2) It extends to the National Capital Territory of Delhi.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "resident" means a person having physical possession of property on the basis of a registered sale deed or latest Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration in respect of a property in unauthorised colonies and includes their legal heirs but does not include tenant, licensee or permissive user;

(b) "unauthorised colony" means a colony or development comprising of a contiguous area, where no permission has been obtained for approval of layout plan or building plans and has been identified for regularisation of such colony in pursuance to the notification number S.O. 683(E), dated the 24th March, 2008 of the Delhi Development Authority, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 24th March, 2008.

2 of 1899.
16 of 1908.

3. (1) Notwithstanding anything contained in the Indian Stamp Act, 1899 and the Registration Act, 1908 as applicable to the National Capital Territory of Delhi or any rules or regulations or bye-laws made thereunder and the judgment of the Supreme Court in the case of *Suraj Lamp & Industries (P) Ltd. Vs. State of Haryana & others*, dated the 11th October, 2011, the Central Government may, by notification in the Official Gazette, regularise the transactions of immovable properties based on the latest Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration for conferring or recognising right of ownership or transfer or mortgage in regard to an immovable property in favour of a resident of an unauthorised colony.

Recognition
of property
rights.

(2) The Central Government may, by notification published in the Official Gazette, fix charges on payment of which transactions of immovable properties based on the latest Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration for conferring or recognising right of ownership or transfer or mortgage in regard to an immovable property in favour of a resident of an unauthorised colony through a conveyance deed or authorisation slip, as the case may be.

2 of 1899.

(3) Notwithstanding anything contained in section 27 of the Indian Stamp Act, 1899, the stamp duty and registration charges shall be payable on the amount mentioned in the conveyance deed or authorisation slip, as the case may be.

(4) Any resident of an unauthorised colony having registered or un-registered or notarised Power of Attorney, Agreement to Sale, Will, possession letter and other documents including documents evidencing payment of consideration shall be eligible for right of ownership or transfer or mortgage through a conveyance deed or authorisation slip, as the case may be, on payment of charges referred to in sub-section (2).

(5) No stamp duty and registration charges shall be payable on any previous sale transactions made prior to any transaction referred to in sub-section (4).

(6) The tenants, licensees or permissive users shall not be considered for conferring or recognising any property rights under this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.